

SENATE BILL 42

By Faulk

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 3; Title 57, Chapter 4, Part 2 and Title 57, Chapter 1, relative to assessing costs and licensing by the alcoholic beverage commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 57-3-202, is amended by adding the following as a new, appropriately designated subsection thereto:

(i) Notwithstanding any other law to the contrary, the commission shall not renew any manufacturer's or distiller's license where the manufacturer or distiller owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 2. Tennessee Code Annotated, Section 57-3-203, is amended by adding the following as a new, appropriately designated subsection thereto:

(k) Notwithstanding any other law to the contrary, the commission shall not renew any wholesaler's license where the wholesaler owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 3. Tennessee Code Annotated, Section 57-3-204, is amended by adding the following as a new, appropriately designated subsection thereto:

(i) Notwithstanding any other law to the contrary, the commission shall not renew any retailer's license where the retailer owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 4. Tennessee Code Annotated, Section 57-3-207, is amended by adding the following as a new subsection (n) and redesignating current subsection (n) as subsection (o):

(n) Notwithstanding any other law to the contrary, the commission shall not renew any winery's license where the winery owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 5. Tennessee Code Annotated, Section 57-3-209, is amended by adding the following as a new, appropriately designated subsection thereto:

(g) Notwithstanding any other law to the contrary, the commission shall not renew any collector's license where the collector owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 6. Tennessee Code Annotated, Section 57-3-217, is amended by adding the following as a new, appropriately designated subsection thereto:

(h) Notwithstanding any other law to the contrary, the commission shall not renew any direct shipper's license where the direct shipper owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 7. Tennessee Code Annotated, Section 57-4-201, is amended by adding the following as a new, appropriately designated subsection thereto:

(f) Notwithstanding any other law to the contrary, the commission shall not renew any establishment's on-premises consumption license where such establishment owes any outstanding fees, fines or other penalties assessed by the commission pursuant to a consent order entered into by all parties to the matter or pursuant to a final order issued in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, until such fees, fines or penalties are paid.

SECTION 8. Tennessee Code Annotated, Title 57, Chapter 1, Part 2, is amended by adding the following as a new section thereto:

57-1-213.

(a) Notwithstanding any contrary law, the alcoholic beverage commission may assess the actual and reasonable costs of any hearing held in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, and in which sanctions of any kind are imposed on any person or entity required to be licensed, permitted, registered or otherwise authorized by the commission. These costs may include, but are not limited to, those incurred and assessed for the time of the prosecuting attorneys, investigators, expert witnesses,

administrative judges and any other persons involved in the investigation, prosecution and hearing of the action.

(b) The commissioner shall promulgate rules and regulations establishing a schedule of costs that may be assessed pursuant to this section. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c)

(1) All costs assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.

(2) If the individual or entity disciplined fails to pay an assessment when it becomes final, the commission may apply to the appropriate court for a judgment and seek execution of the judgment.

(3) Jurisdiction for recovery of the costs shall be in the chancery court of Davidson County.

SECTION 9. For purposes of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it and for all other purposes this act shall take effect July 1, 2011, the public welfare requiring it.